

misleading information released by an accredited or preaccredited institution or program about—

- (1) The accreditation status of the institution or program;
- (2) The contents of reports of site team visitors; and
- (3) The agency's accrediting actions with respect to the institution or program.

(Approved by the Office of Management and Budget under control number 1840-0607)

(Authority: 20 U.S.C. 1099b)

[59 FR 22253, Apr. 29, 1994, as amended at 59 FR 46175, Sept. 7, 1994]

**§ 602.28 Due process for institutions and programs.**

(a) To be listed by the Secretary as a nationally recognized accrediting agency, an accrediting agency must demonstrate to the Secretary that the procedures it uses throughout the accrediting process satisfy due process requirements.

(b) The Secretary considers that an accrediting agency's procedures satisfy due process requirements if—

- (1) The agency sets forth in writing its procedures governing its accreditation or preaccreditation processes;
- (2) The agency's procedures afford an institution or program a reasonable period of time to comply with agency requests for information and documents;
- (3) The agency notifies the institution or program in writing of any adverse accrediting action;
- (4) The agency's notice details the basis for any adverse accrediting action;
- (5) The agency permits the institution or program the opportunity to appeal an adverse accrediting action, and the right to representation by counsel during an appeal, except that the agency, at its sole discretion, may limit the appeal to a written appeal; and
- (6) The agency notifies the appellant in writing of the result of the appeal and the basis for that result.

(Authority: 20 U.S.C. 1099b)

**§ 602.29 Notification of accrediting agency decisions.**

(a) To be listed by the Secretary as a nationally recognized accrediting agency, except as provided in paragraph (b)

of this section, an accrediting agency must demonstrate to the Secretary that its written policies, procedures, and practices require it to notify the Secretary, the appropriate State postsecondary review entity, the appropriate accrediting agencies, and the public of the following types of decisions, no later than 30 days after a decision is made:

(1) A decision by the agency to award initial accreditation or preaccreditation to an institution or program.

(2) A final decision by the agency to—

(i) Deny, withdraw, suspend, or terminate the accreditation or preaccreditation of an institution or program; or

(ii) Take other adverse action against an institution or program.

(3) A decision by the agency to place an institution or program on probation.

(4) A decision by an accredited institution or program to withdraw voluntarily from accreditation or formal preaccreditation status.

(5) A decision by an accredited institution or program to let its accreditation or preaccreditation lapse.

(b) If the agency's final decision is to deny, withdraw, suspend, or terminate the accreditation or preaccreditation of an institution or program or to take other adverse action against an institution or program, the agency must notify the Secretary of that decision at the same time it notifies the institution or program.

(c) No later than 60 days after a final decision, the accrediting agency makes available to the Secretary, the appropriate State postsecondary review entity, and the public upon request, a brief statement summarizing the reasons for the agency's determination to deny, withdraw, suspend, or terminate the accreditation or preaccreditation of an institution or program, and the comments, if any, that the affected institution or program may wish to make with regard to that decision.

(d)(1) For purposes of the decisions described in paragraph (a)(4) of this section, the date of the decision is the date on which the accrediting agency receives notification by the institution